

**MIDDLEBROOKS SHAPIRO  
& NACHBAR, P.C.**

1767 Morris Avenue, Suite 2A  
Union, New Jersey 07083-1716  
(908) 687-6161  
Stuart M. Nachbar, Esq. (SN-9998)  
Attorneys for Joseph DiBlasi and  
Krystyna DiBlasi, Chapter 13 Debtors

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In re:	:	UNITED STATES BANKRUPTCY COURT
	:	FOR THE DISTRICT OF NEW JERSEY
	:	
<b>JOSEPH DIBLASI and</b>	:	
<b>KRYSTYNE DIBLASI,</b>	:	Honorable Donald H. Steckroth
	:	
Chapter 13 Debtors.	:	Case No. 07-28891 (DHS)

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<b>COMMERCE BANK, N.A.,</b>	:	Adv. Pro. No. 08-01236
	:	
Plaintiff,	:	
v.	:	
	:	
<b>JOSEPH DiBLASI and</b>	:	
<b>KRYSTYNA DiBLASI,</b>	:	
	:	
Defendants,	:	

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<b>JOSEPH DiBLASI and</b>	:	
<b>KRYSTYNA DiBLASI,</b>	:	
	:	
Third-Party Plaintiffs,	:	
v.	:	
	:	
<b>ROBERT M. REISS,</b>	:	
	:	
Third-Party Defendant.	:	

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NOTICE FOR ENTRY OF DEFAULT AGAINST THIRD-PARTY DEFENDANT ROBERT  
REISS FOR FAILURE TO ENTER APPEARANCE

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TO: **HONORABLE DONALD H. STECKROTH**  
UNITED STATES BANKRUPTCY COURT  
50 Walnut Street  
Newark, New Jersey 07102

Robert Reiss  
164 Oxford Avenue  
Fairhaven, New Jersey 07704  
VIA CERTIFIED MAIL/RETURN RECEIPT REQUESTED

**PLEASE TAKE NOTICE** that Joseph and Krystyna DiBlasi, the Debtors/Defendant and Third-Party Plaintiff (the “DiBlasis”) hereby request that the Clerk of the Court to set a date by which the Court shall Enter Default against Third Party Defendant Robert Reiss for Failure to Answer or Otherwise Enter an Appearance in the above-captioned Adversary Proceeding.,

**PLEASE TAKE FURTHER NOTICE** that upon the return date of the within Motion, the DiBlasis shall rely on the Application and Exhibits filed simultaneously herewith and oral argument, if such is necessary.

**PLEASE TAKE FURTHER NOTICE** that pursuant to D.N.J. LBR 2013-1, this motion may be deemed uncontested unless a written response is filed and served within the time prescribed by the Court. If no responsive pleading is filed, the Court may enter the relief requested on the papers submitted.

**PLEASE TAKE FURTHER NOTICE** that pursuant to D.N.J. LBR 9013-1(f), oral argument is waived unless an objection to this motion is timely filed.

**PLEASE TAKE FURTHER NOTICE** that pursuant to D.N.J. LBR 9013-2, no brief is necessary as the relief sought presents no novel or complex issues of law.

**MIDDLEBROOKS SHAPIRO  
& NACHBAR, P.C.**  
Attorneys for Joseph & Krystna DiBlasi

Dated: December 31, 2008

/s/ Stuart M. Nachbar  
By: Stuart M. Nachbar, Esq.

1767 Morris Avenue, Suite 2A  
Union, New Jersey 07083-1716  
(908) 687-6161

In re:

## Chapter 13 Debtors.

Plaintiff,

Defendants,

Third-Party Plaintiffs,

Third-Party Defendant.

**CERTIFICATION OF STUART M. NACHBAR, ESQ., IN SUPPORT OF REQUEST  
FOR ENTRY OF DEFAULT AGAINST THIRD-PARTY DEFENDANT  
ROBERT REISS FOR FAILURE TO ENTER APPEARANCE**

I, Stuart M. Nachbar, Esq., being of age do hereby certify as follows:

1. This Firm serves as Counsel to the Chapter 13 Debtors, Joseph and Krystyna DiBlasi who are also the Defendants and the Third-Party Plaintiffs in the above-captioned matter.

2. I am fully familiar with this file as the handling attorney and have the requisite knowledge to make this Certification.

3. I make this Certification in support of the Request for Entry of Default against Third-Party Defendant Robert Reiss.

4. On May 5, 2008, this Firm served Third Party-Defendant Robert Reiss with a copy of the Answer to the Complaint, Third Party Summons, Third-Party Complaint and Notice of Pre-Trial Hearing by Certified Mail Return Receipt Request and First Class Mail, Postage Pre-Paid (the "May 5, 2008 correspondence". A true and accurate copy of the May 5, 2008 correspondence is attached hereto as Exhibit A.

5. Pursuant to the United States postal Service the Certified Mail was never claimed by Third-Party Defendant. See, Track and Confirm from United States postal Service attached hereto as Exhibit B.

6. The First Class Mail, Postage Pre-Paid which included the May 5, 2008 correspondence and enclosures was not returned to this Firm.

7. Third-Party Defendant Robert Reiss has not filed an Answer to the Third-Party Complaint or in any manner entered an appearance.

8. Third-Party Defendant Robert Reiss has never requested an extension of time to file an Answer to the Third-Party Complaint or file any responsive papers.

9. The time for Third-Party Defendant Robert Reiss to answer or enter an appearance

has expired.

10. As such, we request that the Clerk of the Court enter Default against the Third-Party Defendant Robert Reiss.

I hereby certify that the foregoing statements made by me are true and accurate to the best of my knowledge. I further certify that if I have willfully perjured myself, I am subject to punishment by this Court.

Dated: December 31, 2008

/s/ Stuart M. Nachbar

By: Stuart M. Nachbar, Esq.

# EXHIBIT A

**MIDDLEBROOKS SHAPIRO  
& NACHBAR, P.C.**

**ATTORNEYS AT LAW  
1767 MORRIS AVENUE, SUITE 2A  
UNION, NEW JERSEY 07083**

**TELEPHONE (908) 687-6161  
TELECOPIER (908) 687-9090**

**EMAIL: [MIDDLEBROOKS@MIDDLEBROOKSSHAPIRO.COM](mailto:MIDDLEBROOKS@MIDDLEBROOKSSHAPIRO.COM)**

**MELINDA D. MIDDLEBROOKS, ESQ.  
RICHARD P. SHAPIRO, ESQ. (1942-2002)  
STUART M. NACHBAR, ESQ.  
OF COUNSEL  
MYRON S. LEHMAN, ESQ. (1928-2007)**

**MORRISTOWN OFFICE:  
89 HEADQUARTERS PLAZA NORTH  
4 SPEEDWELL AVENUE, #1458  
P.O. BOX 1117  
MORRISTOWN, NEW JERSEY 07962-1117**

**PLEASE REPLY TO OUR  
UNION OFFICE**

May 5, 2008

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED 7007 3020 0002 8802 5587  
AND FIRST CLASS MAIL, POSTAGE PRE-PAID

Robert Reiss  
164 Oxford Avenue  
Fairhaven, New Jersey 07704

Re: Joseph & Krystyna DiBlasi  
Case Number 07-28891(DHS)  
Commerce Bank, NA v Joseph DiBlasi and Krystyna DiBlasi  
Joseph DiBlasi and Krystyna DiBlasi v. Robert Reiss  
Adversary Case Number 08-1236 (DHS)

Dear Mr. Reiss:

You are hereby served with an original Summons and Notice of Pretrial Conference in an Adversary Proceeding together with copies of the Instructions from the United States Bankruptcy Court for the District of New Jersey and the Verified Answer and Verified Third-Party Adversary Complaint for an Order of Indemnification and Contribution and for Related Relief in the above-captioned adversary matter.

You are required to file and serve an Answer or other pleading within thirty (30) days. Failure to do so will result in Default being entered against you, and the potential of a monetary Judgement.

As set forth on the Summons, this matter has been set for a pretrial conference on July 3, 2008 at 10:00 a.m. before the Honorable Donald H. Steckroth, United States Bankruptcy Court for the District of New Jersey, Martin Luther King Building, 50 Walnut Street, Newark, New Jersey 07102.

*We are a debt relief agency.  
We help people file for bankruptcy relief under the Bankruptcy Code.*

**MIDDLEBROOKS SHAPIRO  
& NACHBAR, P.C.**

May 5, 2008

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Kindly be guided accordingly.

Very truly yours,  
/s/ Stuart M. Nachbar  
Stuart M. Nachbar

SMN:jms

Enclosure

cc: Melinda D. Middlebrooks  
Joseph and Krystyna DiBlasi  
James G. Aaron, Esq. (All w/o enclosures)



# EXHIBIT B



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## Track & Confirm

### Search Results

Label/Receipt Number: **7007 3020 0002 8802 5587**

Status: **Unclaimed**

Your item was returned to the sender on May 24, 2008 because it was not claimed by the addressee. A proof of delivery record may be available through your local Post Office for a fee.

Additional information for this item is stored in files offline.

### Track & Confirm

Enter Label/Receipt Number.

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No FEAR Act EEO Data

FOIA



Headquarters  
Washington, DC 20260



Inspection  
Washington, DC 20260